

FILED
Clerk
District Court

JUN - 2 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

CR- 05-000028-001

June 2, 2006
9:05 a.m.

UNITED STATES OF AMERICA -vs- FRANCISCO NAKATSUKASA BASA

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
SANA E SHMULL, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
JAMIE BOWERS, Assistant U. S. Attorney
F. MATTHEW SMITH, Counsel for Defendant
FRANCISCO NAKATSUKASA BASA, Defendant

PROCEEDING: SENTENCING

Defendant was present with his counsel, Attorney Matthew Smith. Government by Jamie Bowers, AUSA. Also present was U.S. Probation Officer, Melinda Brunson.

Court adopted the presentence investigation report in its entirety and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal.

Government had no objection to the advisory guidelines that the Court intends to be guided; Defense had no objections. Court adopted the advisory guidelines.

Government made downward departure motions; 5K1.1 and 18 U.S.C. 5335E.

Government recommended that this defendant receive a sentence of **54 months** incarceration for substantial assistance.

Defense called witness:

MARGARET TORRES CABRERA. DX.

Defense moved the Court to adopt the Government's recommendation and further recommended that he get credit for time served (seven months in local custody) and requested that the Court recommend a 500 hour drug rehabilitation program while in prison.

Defendant made his allocution to the Court.

Court GRANTED the Government's downward departure motions.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **FRANCISCO NAKATSUKASA BASA** is hereby sentenced to **54 months imprisonment**. While in prison, the defendant shall participate in 500 hour drug treatment program and vocational programs as approved by the Bureau of Prisons. After release from imprisonment defendant shall be placed on **five years of supervised release**. The term of supervised release will require that the defendant comply with the following conditions:

1. The defendant shall not commit another federal, state, or local crime;
2. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter. Further, the defendant shall submit to a maximum of eight drug tests per month, as directed by the U.S. Probation Officer;
3. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office.
4. The defendant shall comply with the standard conditions of supervised release as adopted by this Court;
5. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon and shall not have such weapon at his residence;
6. The defendant shall refrain from the use of all alcohol beverages and submit to any testing by the U.S. Probation Office to detect for the consumption of alcohol;
7. The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;
8. The defendant shall seek and maintain gainful employment; and
9. The defendant shall complete 300 hours of community service under the direction of the United States Probation Office.

It was further ordered that the defendant pay to the United States a special assessment fee of **\$100** to be paid immediately after sentencing. All fines were waived.

No objection to the sentence by the attorneys. Defendant was advised that he had 10 days in

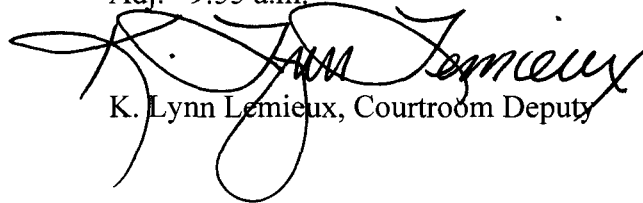
which to appeal the sentence imposed int his case. Further, he was advised that if he cannot afford an attorney for the appeal the Court will appoint one for him.

Defense moved that the defendant be allowed to have visitation rights with his family prior to departing the Commonwealth to a designated facility. Court so ordered.

Government moved to dismiss Count II in the indictment. Court so ordered.

Defendant was remanded back into the custody of the U.S. Marshal.

Adj. 9:55 a.m.



K. Lynn Lemieux, Courtroom Deputy